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ABSTRACT

This report discusses an oversight investigation of the Department of Education's Publication and Audio Visual Council (PAVAC) and its successor, the Publications Review Board (PRB). Background information is provided about the review process for publications and products; the Women's Educational Equity Act (WEEA) program; educational laboratories and centers; the PAVAC record; and the modification of the review process. Findings concern rejection of products of the educational laboratories and centers and WEEA; cost of review procedures; training and expertise of PAVAC and PRB members; educators' access to educational equity materials; bias in PAVAC review of WEEA products; lack of consideration of appeals prepared for WEEA products; conflict with the WEEA amendments of 1984; PAVAC review and rejection of publications that it was not required to review; and delays and uncertainty resulting from PAVAC and PRB reviews. As a result of these findings, four conclusions and six recommendations are presented concerning cost-cutting measures, scope of PRB review, dissemination of rejected WEEA products, decisions concerning Educational Resources Information Center (ERIC) product dissemination, and the elimination of photocopies and products costing under $2,500 from the review process. Statements of dissenting and supplemental views are provided. (KM)

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THE DEPARTMENT OF EDUCATION'S LIMITS ON PUBLICATIONS: SAVING MONEY OR CENSORSHIP?

SIXTIETH REPORT

BY THE

COMMITTEE ON GOVERNMENT OPERATIONS

together with

DISSENTING AND SUPPLEMENTAL VIEWS

ED277393

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
Washington, DC, October 8, 1986.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: By direction of the Committee on Government Operations, I submit herewith the committee's sixtieth report to the 99th Congress. The committee's report is based on a study made by its Intergovernmental Relations and Human Resources Subcommittee.

JACK BROOKS, *Chairman.*

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99TH CONGRESS, 2d Session | HOUSE OF REPRESENTATIVES | REPORT 99-978

THE DEPARTMENT OF EDUCATION'S LIMITS ON PUBLICATIONS: SAVING MONEY OR CENSORSHIP?

OCTOBER 8, 1986.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BROOKS, from the Committee on Government Operations, submitted the following

SIXTIETH REPORT

together with

DISSENTING AND SUPPLEMENTAL VIEWS

BASED ON A STUDY BY THE INTERGOVERNMENTAL RELATIONS AND HUMAN RESOURCES SUBCOMMITTEE

On September 23, 1986, the Committee on Government Operations approved and adopted a report entitled "The Department of Education's Limits on Publications: Saving Money or Censorship?" The chairman was directed to transmit a copy to the Speaker of the House.

I. INTRODUCTION

Under the House of Representatives Rule X, 2(b)(2), the Committee on Government Operations is authorized to "review and study, on a continuing basis, the operation of Government activities at all levels with a view to determining their economy and efficiency." The committee has assigned this responsibility, as it pertains to the Department of Education, to the Subcommittee on Intergovernmental Relations and Human Resources.

Pursuant to its authority, the subcommittee conducted an oversight investigation of the Department of Education's Publication and Audio Visual Advisory Council (PAVAC). PAVAC was created by the Department in 1982 as a response to a 1981 Directive of the Office of Management and Budget (OMB). PAVAC's mandate was

to review all publications and other products, in order to save money by eliminating unnecessary costs associated with the printing and production of written and audio visual materials.

Starting in 1982, PAVAC reviewed many publications that were essentially public information brochures, but it also reviewed publications and products designed to disseminate educational techniques and information to teachers and administrators across the country, in such fields as educational equity, education for the handicapped, bilingual education, and Indian education. In 1984, it began to also review more general educational publications, which were developed to disseminate the results of research and programs funded through the National Institute of Education (NIE).

The subcommittee's inquiry included an analysis of the proportion and types of publications and products that PAVAC approved and disapproved, the costs and savings involved, as well as the direct and indirect impact of the review process on the dissemination of educational information. On November 5, 1985, five months after the subcommittee notified the Department of its investigation, PAVAC was replaced by the Publications Review Board (PRB). Comparisons between PAVAC and PRB, and the impact of any changes, are also included in the subcommittee inquiry.

On November 13, 1985, the subcommittee held a hearing, which included testimony from the Chair of PAVAC, the Vice Chair of PAVAC who had just become the Chair of PRB, the senior staff assistant for PAVAC and PRB, the Executive Director of the Northwest Regional Educational Laboratory, the former Director of the National Institute of Education, the former Director of the Women's Educational Equity Act Program, the President-elect of the American Educational Research Association, the Washington representative of the International Reading Association, and the Chairman of People for the American Way.

Additional information for the investigation was provided by the Assistant Secretary for Elementary and Secondary Education, the Office of the General Counsel of the Department of Education, the Directors and other representatives of the other 11 regional educational laboratories and national research centers, and others directly and indirectly involved in the PAVAC review process.

II. Background

When the Department of Education was created in 1980, products and publications that were developed with Department funds were reviewed by the program under which the product was funded. This meant that decisions of whether or not to publish or produce these materials were made by the personnel who were most knowledgeable about the products and often most committed to the subject matter. These procedures were changed in April 1981, when the Office of Management and Budget (OMB) issued Bulletin 81-16, entitled "Elimination of Wasteful Spending on Government Periodicals, Pamphlets, and Audiovisual Products." In this bulletin, OMB expressed concern that there was too much duplication and waste in publications and audio visual products in the Federal Government. This directive required a moratorium on publications and products funded by the Department of Education

until a new review mechanism was approved by OMB and put in place. The moratorium lasted from April 1981 until April 1982. During that year, only materials that had been specifically exempted from the moratorium could be produced. These included Congressionally mandated reports, products that had already been contracted for, and materials deemed necessary by the Secretary of Education.[1]

As a result of the OMB directive, the Publication and Audio Visual Advisory Council (PAVAC) was created in 1982 to review all publications and products of the Department of Education. This affected publications developed by and for specific offices and programs, such as the National Institute of Education, Women's Educational Equity Act Program, Office of Special Education and Rehabilitative Services, Office of Bilingual Education and Minority Languages Affairs, and Indian Education Programs.

The membership of PAVAC varied through the years, although it was always chaired by the Assistant Secretary for Legislation and Public Affairs, Ms. Anne Graham. In the fall of 1985, the six other members included the Deputy Under Secretary for Management, who served as Vice Chair; the General Counsel; the Deputy Under Secretary for Intergovernmental and Interagency Affairs; the Assistant Secretary for Education, Research, and Improvement (OERI); and two rotating seats held by the Deputy Assistant Secretary for Special Education and Rehabilitative Services; and the Assistant Secretary for Elementary and Secondary Education.[2] Four of the members had some experience as teachers at the elementary or college level, but the members were primarily experienced as administrators. The Chair had no educational or professional background in the field of education, and only one of the members had expertise in the subject areas of the products reviewed by PAVAC, other than their current administrative positions.[3] Despite their limited expertise, the membership roster of the fall of 1985 reflects an increase in members with program or research experience compared to earlier years, apparently as a result of increased criticism of the PAVAC decisions regarding research publications. For example, the Assistant Secretary for Educational Research and Improvement, the one member with expertise in educational research, was invited to serve on the PAVAC on August 27, 1985, shortly after several articles criticizing the PAVAC process had appeared in the Chronicle of Higher Education, Education Daily, and other education periodicals.[4] The lack of familiarity of most PAVAC members

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[1] Hearing before a subcommittee of the Committee on Government Operations, House of Representatives, "Limits on the Dissemination of Information by the Department of Education," Nov. 13, 1985, hereinafter referred to as Hearing; testimony of Anne Graham, Chair of PAVAC and Assistant Secretary for Legislation and Public Affairs, prepared statement, p. 72.

[2] Hearing, Graham testimony, p. 81.

[3] Resumés and Personal Qualifications Statements are available in subcommittee files.

[4] The invitation was made in a memorandum from Anne Graham, Chair of PAVAC and Assistant Secretary for Legislation and Public Affairs to Chester Finn, Assistant Secretary for Educational Research and Improvement, Aug. 27, 1985, in subcommittee files; articles include two by Stacy Palmer, "U.S. Delay of Education Publications: Some See Red Tape, Others Censorship," Chronicle of Higher Education May 8, 1985, pp. 1 and 6; "Federal Reviewers End Long Delay on Printing Results of Research," Chronicle of Higher Education, May 29, 1985, p. 19; and one by Diane Reis, "ED Says Majority of NIE Documents Approved, But Evidence Unclear," Education Daily, Apr. 30, 1985, pp. 3–4.

with research products was admitted by the Under Secretary of Education, Gary L. Bauer.[5]

Starting in FY 1983, PAVAC reviewed publications and products funded through the Education Department's offices and programs, such as the Women's Educational Equity Act Program, the Office of Bilingual Education and Minority Languages Affairs, Indian Education Programs, and the Office of Special Education and Rehabilitative Services. In all these programs, products included public information brochures, audio visual products, and more substantive articles, books, or manuals that were intended to provide information about teaching techniques and materials to an audience of educators or administrators.

REVIEW PROCESS FOR PUBLICATIONS AND PRODUCTS

To understand the problems presented by PAVAC, it is necessary to delineate the review process for Department of Education publications and audio visual products.

First, grants and contracts negotiated with the Program Office (for example, Women's Educational Equity Act Program, or Bilingual Education) specify how much money would be spent on research or development of a program, and the type of products that will result, such as a report or manual describing specific educational methods or curricula.

After the research and development is completed, the Program Office evaluates each proposed publication or audio visual product on the basis of eight criteria: need, estimated size of target audience, suitable format, cost-effectiveness, rationale for the specific medium, projected shelf life, method of production or procurement, and plans for evaluation.[6] Although products and dissemination plans had been reviewed at the contract or grant stage and the Program Office stage even before PAVAC was created in 1982, the 1982 Directive is more specific about the "user criteria" to be considered by the Program Office.

Third, if the Program Office approves the proposed product, it is submitted to the Assistant Secretary or Principal Officer responsible for the program (for example, the Assistant Secretary for Elementary and Secondary Education).

The Principal Office review criteria include the same criteria as the user criteria, and also assesses whether the product is duplicative of existing agency or Federal Government products, the appropriateness of method of production or procurement from a cost point of view, the consistency with the Department's mission and goals, and the cost-effectiveness relative to scope, scale, format, funding mechanism, cost, distribution plan, and evaluation plan.[7]

If the Principal Officer supports a request, forms are completed regarding the cost of developing and printing the product, determination of audience need, methods of dissemination, and the priority

[5] Memorandum from Gary L. Bauer, Under Secretary of Education, to Anne Graham, Chair of PAVAC, Sept. 18, 1985, in subcommittee files.

[6] Publication and Audio Visual Control System (PACS), ED Administrative Communications System Departmental Directive, A:MIS:1-110, Oct. 21, 1983, p. 3. Hereinafter, this directive will be referred to as PACS, A:MIS:1-110.

[7] Ibid., pp. 3-4.

of the request in terms of improving the program's effectiveness.[8] This information was then submitted to PAVAC, with a memorandum endorsing the proposed product.[9]

As the first step in the PAVAC review, the Publications and Audio Visual Acquisition Management (PAVAM) staff compiled the information about the product, including the forms and endorsement memoranda described above, and presented this information to the PAVAC members. PAVAM consisted of a doctoral level full-time career employee, who was assisted on a part-time basis by support staff and professional staff. According to the Department of Education Directive, PAVAM and PAVAC review criteria, at a minimum, consisted of the "criteria considered by the User and Principal Office" and also "(a) completeness as to form and required documentation; (b) conformance with policies and procedures of PACS [Publication and Audio Visual Control System]; (c) essentiality, i.e., the degree to which the procurement or production of the P/AV [publication/audio visual] is so important that without the P/AV the program will not fulfill its mission; (d) cost-effectiveness, both from an absolute perspective and relative to the proposed method of production, to include the aspects of technical specifications which appear as Appendix 2 of this directive; (e) the ability of the product to achieve the stated goal; (f) the need for additional internal coordination; (g) departmental priorities; (h) conformance with legislation, regulation and policy; and (i) the suitability of the message."[10]

PAVAM evaluated each product, and for those products that cost $2,500 or less to develop and produce, or were recurring publications that had received PAVAC approval in a prior year, PAVAM was empowered to make a final decision.[11] PAVAM submitted all other proposals to PAVAC, specifying any recommended modifications, with a recommendation for approval or disapproval of the request. PAVAC members then discussed the proposals, voted, and sent their decision in a memorandum to the Office of the Assistant Secretary or Under Secretary for the specific program area.[12]

If the Principal Officer, such as the Assistant Secretary for Elementary and Secondary Education, disagreed with a PAVAC decision, he or she had 15 days to appeal the decision. In order to appeal, the officer had to submit an appeal package consisting of the original materials submitted to PAVAC, the official notification letter that disapproved or modified the original request, a memorandum of endorsement of the appeal from the Principal Officer and a justification for the appeal. The justification had to detail the essentiality, cost-effectiveness, timeliness, and any other issues relevant to the appeal. Supporting documents from other offices were also recommended. PAVAC then re-reviewed the materials, and if it voted not to reverse its original decision, the appeal package was

[8] Hearing, Graham testimony, prepared statement, p. 76.
[9] Hearing, testimony of Dr. Samuel Harris, PAVAM staff, p. 82. The references to PAVAC are in the past tense, although almost all the procedures are identical under the Publication Review Board, which replaced PAVAC.
[10] PACS, A:MIS:1-110, p. 4.
[11] Ibid., p. 6.
[12] Graham testimony, prepared statement, p. 77; PACS, A:MIS:1-110, p. 9.

forwarded to the Under Secretary. As the final step, the Under Secretary reviewed the PAVAC decision and could overturn it.[13]

WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Of the programs and offices that have submitted proposed publications to PAVAC, the subcommittee investigation focused on the Women's Educational Equity Act (WEEA) Program. Since its enactment in 1974, WEEA included dissemination of materials as an important function of the Act, in order to ensure that model programs developed with WEEA funds could be made available at low cost to educators across the country. This dissemination was considered crucial to the success of the program, which spends less than $6 million each year on projects nationwide.

Between 1977–1983, the WEEA Publishing Center published over 250 products and sold more than 150,000 copies. Prior to production, each product from each grantee was evaluated by the editorial staff of the Educational Development Center of Newton, MA, which is contracted to be the WEEA Publishing Center; a peer review panel of 3–5 experts in the field who were selected by the Wellesley College Center for Research on Women, under a subcontracting arrangement; and the WEEA Program staff. Although the Department of Education terminated the panel review process in 1984, all of the WEEA products that were reviewed by PAVAC had been evaluated under the panel review system. The WEEA Publishing Center editors were primarily concerned with reviewing technical aspects of production and printing, and these reviews continue under current Publication Review Board procedures. The panel review process included more substantive criteria: need for the product, content and quality, effectiveness of instructional technique, and technical quality. These reviews were presented as several pages of detailed evaluations of each product. Summaries of the panelists' comments and suggested modifications were also provided to the grantees who developed the materials, to assist them in improving the product, whether or not it was recommended for publication. The WEEA Publishing Center staff also estimated the cost of production to camera-ready form, and determined the cost of printing, using a pricing formula based on the Government Printing Office guidelines and regulations.[14] The publishing center set a price that was intended to make the products accessible to the target audience.[15] These procedures were applicable to all the WEEA products that PAVAC reviewed, although the role of the WEEA Publishing Center has been weakened since 1984.

In FY 1983, 72 percent of the products proposed by WEEA were rejected for publication by PAVAC. In FY 1984, 46 percent of the products, which represented 66 percent of the WEEA projects, were rejected.[16] As a result of this high rejection rate, Congress amend-

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[13] PACS, A:MIS:1-110, p. 10.

[14] The pricing formula had already been approved as part of the WEEA contract.

[15] Hearing, testimony of Dr. Leslie Wolfe, Director of Project on Equal Education Rights, prepared statement, pp. 34–38.

[16] Eleven of 24 products were rejected, representing six of the nine WEEA projects that proposed publications or audiovisual products. This does not include the PAVAC approval of the WEEA annual report, or the approval of a brochure on sexual harassment that was developed

Continued

ed the Women's Educational Equity Act in 1984 to mandate that the WEEA office "shall evaluate and disseminate (at low cost) all materials and programs developed" under WEEA. The amendment was designed "to ensure that the original intent of the law to make these materials widely available is carried out." [17] Nevertheless, in 1985 only two of 10 (20 percent) products submitted to PAVAC were approved for publication.[18]

EDUCATIONAL LABORATORIES AND CENTERS

A second major focus of the subcommittee investigation was the publications funded through 12 regional educational laboratories and national educational centers that received money from the National Institute of Education (NIE). Educational laboratories and centers received funding from NIE to assess ways to improve educational instruction and school administration, and to develop materials that can be used to disseminate that information to educators and schools in each region.[19] Although they received other funding from Federal and non-Federal sources, NIE was a major source of income for those institutions.

Congress mandated that dissemination be a primary aspect of the work of these educational laboratories and centers. According to the legislation authorizing NIE, "Laboratories are to insure that information developed as a result of their research and development activities, including new educational methods, practices, techniques, and products, are disseminated."[20] Educational research products funded through NIE came under PAVAC review for the first time in November 1984, when nine educational laboratories and centers signed contract modifications which stated that approval must be obtained from PAVAC for the development and production of any publication or audiovisual product.[21] The modified contract also stated that all products requiring more than 50 copies, except for final reports, would have to be reviewed by PAVAC, even if their production had already been approved by the Department as part of the contract negotiation.[22]

In January 1985, NIE asked the laboratories and centers to provide information about the titles, number of copies needed, and costs of their proposed products, and this information was used to complete forms that NIE submitted to PAVAC.[23] Informally, high-

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by the National Advisory Council on Women's Educational Programs, which is composed of political appointees. The completed PAVAC forms and correspondence are available in subcommittee files.

[17] Public Law 98-511, October 1984, 98 STAT 2391; Educational Amendments of 1984, House Report 98-748, p. 15.

[18] At the subcommittee hearing, the administration witness claimed that two of nine products submitted to PAVAC were approved (Harris, p. 87). However, documents that the Department made available to the subcommittee indicate that a tenth product entitled "Between a Rock and a Hard Place: When Racism and Sexism Intersect in Education" was also rejected. These documents are available in subcommittee files.

[19] Currently, many of these laboratories are funded through the Office of Educational Research and Improvement (OERI).

[20] General Education Provisions Act, GEPA 405 (f)(c)(iii).

[21] Only nine of the twelve educational laboratories and centers signed contract modifications in November 1985.

[22] Hearing, testimony presented by Dr. Robert Rath, Director of the Northwest Regional Educational Laboratory, prepared statement, pp. 11-12.

[23] Ibid., p. 14.

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ranking NIE officials advised the educational laboratories and centers that PAVAC would probably provide NIE with blanket exemption for its contractors.[24] It was apparently their expectation that all products funded through NIE contracts would be automatically approved by PAVAC, since they had already been approved as part of the contract negotiations and again by the NIE program officers. On the assumption that approval would be automatic for all proposed products, NIE officials advised the laboratories and centers to request approval for everything they were going to produce, even if PAVAC approval might not be necessary. For example, approval was not necessary for any publication of under 50 copies, but the laboratories and centers was encouraged to ask for approval of such publications if there was any chance they might eventually require more than 50 copies. That way, neither the educational laboratory nor the NIE would need to waste time seeking PAVAC approval at a later date.[25]

The information provided by the laboratories and centers was submitted to PAVAC by NIE in February and March, and the initial submission of the proposed products of six laboratories and centers was reviewed by PAVAC on March 5, 1985.[26] On April 9, 1985, more than five months after the modified NIE contracts were signed, PAVAC met and rejected NIE's request for blanket approval of all educational laboratories' and centers' publications. Two days later, NIE requested additional information from each of these institutions regarding the proposed publications and products submitted for PAVAC review.[27]

On May 16, 1985, the laboratories were notified about the PAVAC decisions in an informal memorandum dated May 10. Of the 353 publications that the laboratories and centers had submitted for PAVAC review, only 89 (25 percent) were approved; 86 (24 percent) were approved for development but not for printing, 90 (25 percent) were rejected, 81 (23 percent) were considered incomplete submissions, and 7 (2 percent) did not need approval. The laboratories and centers were told that they could appeal the PAVAC decisions.[28]

At this point, it became apparent that some of the information included in the forms reviewed by PAVAC was incorrect, and that these errors might have had a detrimental impact on PAVAC decisions. The laboratories had been told that they should specify development costs and printing costs on the PAVAC review forms, but the definition of development costs had been unclear. In response to a request for clarification, Mr. Ray Wormwood, contracting officer of NIE, sent a letter to the laboratories on May 24, 1985, which defined development costs as "the cost of producing the physical product, publication, or audiovisual itself. Development cost does not relate, in any way, to the research and development costs involved prior to the physical production of the product (typing, editing, layout, printing, etc.)." [29]

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[24] Ibid., p. 13.
[25] Ibid., p. 12.
[26] These documents are available in subcommittee files; the Mar. 5, 1985, date was cited at the Hearing, testimony of Dr. Samuel Harris, p. 85.
[27] Ibid., p. 6.
[28] Ibid., p. 7.
[29] Ibid., p. 7.

This definition was important for three reasons. First, PAVAC review was not required for any product that cost $2,500 or less. Many of the laboratories' publications had been described as costing more than that, because development costs had been defined as including the research and writing of the product. When those costs were subtracted, most of the products cost well under $2,500, and could therefore be reviewed by the PAVAM staff instead of PAVAC. Secondly, by using Mr. Wormwood's definition of development costs, it became more obvious that the costs associated with publication were minuscule compared to the money that had already been spent on the projects.[30] In addition, Mr. Wormwood's definition of development meant that the laboratories could continue to do the research and writing needed to produce the product, even if the product had not yet been approved. Under the previous definition of development, any work related to the product would have had to cease until PAVAC approval was granted, thus delaying the research and writing for several months.

Although Mr. Wormwood's definition of development should have eliminated many proposed products from PAVAC review, PAVAC decided to review all products, regardless of cost.[31] The appeals documents reviewed by PAVAC included information about all the publications that had been rejected by PAVAC, except for the ones where the number of copies was reduced to less than 50, or those that were no longer requested because the delay had eliminated their usefulness (such as winter and spring newsletters).

In August 1985, PAVAC rejected more than 80 percent of the 121 proposed publications that were submitted by the Office of Education, Research, and Improvement (OERI) on appeal.[32] A spokesman for the PAVAC Chair defended their decisions, saying "If the laboratories don't like these government limitations, maybe they should look for money from the private sector." [33]

However, on September 18, 1985, Under Secretary Gary L. Bauer sent a memorandum to the PAVAC Chair, stating that he had overturned PAVAC's decisions and approved all 98 proposed publications that had been rejected on appeal. He stated that "I have decided to accept the recommendations of OERI and approve their appeal." My decision is based on the following considerations:

> This was [the] first time that PAVAC has reviewed the research products of the labs and centers.
>
> PAVAC's membership is in transition. The new members of PAVAC will include individuals who are familiar with the research products produced by the labs and centers.
>
> PAVAC's functions and role within the Department are also under review.

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[30] Copies of all the financial information submitted to PAVAC are available in subcommittee files.

[31] Hearing, app. 1, p. 143.

[32] NIE had been under the jurisdiction of OERI; when NIE ceased to exist after a reorganization of the Department in FY 1986, the functions of NIE were taken over by OERI.

[33] Hearing, testimony of Dr. Rath, prepared statement, p. 16; uncited quote from article entitled "PAVAC Rejects Most Appeals, Labs Dismayed," Education Daily, Aug. 15, 1985, p. 3.

The new Assistant Secretary for OERI has received the decisions of PAVAC and the materials appealed by OERI. He has recommended to me that the OERI appeal be sustained.[34]

THE PAVAC RECORD

Between 1983 and the time of the hearing, PAVAC had reviewed more than 1,000 proposals. According to the Department's statistics, PAVAC had "approved nearly 83% for publication or production, and achieved savings of almost $2 million dollars."[35] However, the 83 percent approval rate is misleading, because it includes PAVAC decisions to include articles in the Educational Resources Information Centers (ERIC).

ERIC entries should not be considered PAVAC approvals for two reasons. First, any publication can be submitted for inclusion into ERIC, whether or not PAVAC approves it. Therefore, PAVAC approval is irrelevant to inclusion in the ERIC system. Second, ERIC is an information storage and retrieval system, not a publication system. Titles of articles available through the ERIC system are listed in books or available through computer software in a small proportion of public and private libraries. The articles themselves are available in approximately 750 libraries, but only on microfiche (for use in the library) or photocopies that can be ordered for a fee. Thus, the information from documents stored in ERIC is available only to those who have access to a library that subscribes to the Research in Education (RIE) part of the ERIC system and are willing to read microfiche, or willing to fill out an order form, pay approximately 10¢/page, and wait for a few days or weeks for a photocopy.

ERIC is a system designed to make articles with a limited audience available to people who are willing to spend some time or money to obtain access to them, and is most often used by students and scholars. More than 70 percent of teachers, principals, and school librarians have never used ERIC, and even fewer have used the RIE system.[36] For those reasons, PAVAC's decisions to include a product in ERIC but not approve it for publication should not have been included in the proportion of "approved" products. Recommendations for inclusion in ERIC were often appealed by the Principal Offices, and thus treated by them the same way as the other rejected products.[37]

PAVAC did not approve the majority of products developed by the WEEA projects and the educational laboratories and centers for publication. In contrast, the majority of the proposed products submitted to PAVAC by the Office of Bilingual Education and Minority Languages Affairs and the Office of Special Education and Rehabilitative Services were approved for publication. In FY 1985, the approval rates for these products were 90 percent (nine of ten products) and 82 percent (27 of 33 products), respectively. In FY

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[34] Memorandum from Gary L. Bauer, Under Secretary, to Anne Graham, Chair of PAVAC, Sept. 18, 1985, in subcommittee files.

[35] Hearing, Graham testimony, prepared statement, p. 77.

[36] Cost and Usage Study of the Educational Resources Information Center (ERIC) System: A Descriptive Summary, by Joseph L. Heinmiller, NIE, 1981, pp. 9-11, in subcommittee files.

[37] PAVAC appeals documents are available in subcommittee files.

1984, PAVAC approved all three products proposed by the Office of Bilingual Education and three of the five (60 percent) proposed by Special Education and Rehabilitative Services. However, in FY 1983, PAVAC approved only 33 percent (3 of 9) from Bilingual Education and 32 percent (9 of 28) from Special Education.

The products proposed by these two programs were often much more expensive than those for WEEA or the educational laboratories. For example, the three Special Education audio visual products that PAVAC approved in FY 1984 cost over $1,090,000, more than 16 times the cost of all the WEEA proposed products combined for FY 1983-85. In contrast to both WEEA and the educational laboratories, where the majority of products that PAVAC reviewed would have cost under $2,500, all Special Education and Bilingual Education projects costing $2,500 or less were reviewed and approved by PAVAM, rather than PAVAC.[38]

The statistics for the Office of Bilingual Education and Minority Languages Affairs and the Office of Special Education and Rehabilitative Services show that the more recently proposed products have been more acceptable to PAVAC. In her testimony, the Chair of PAVAC stated that approvals increase as the Program or Office becomes more selective in what they submit to PAVAC.[39] However, this selectivity sometimes results in much fewer products being proposed, as was the case in FY 1984.

THE REVIEW PROCESS IS MODIFIED

On November 5, 1985, five months after the subcommittee notified the Department of Education of the investigation and one week before the subcommittee oversight hearing, the Department announced that the PAVAC would be replaced with a new entity called the Publications Review Board (PRB). The main differences between the PAVAC and the PRB are as follows:

Research publications funded by grants, and publications funded by contracts which are determined to be research by the appropriate Assistant Secretary, are exempt from PRB review.

PRB is chaired by the Deputy Under Secretary for Management (who was the Vice Chair of PAVAC); the Vice Chair is the Executive Assistant to the Under Secretary (who had been a member of PAVAC at one point, but was not a member in the fall of 1985); and the third permanent member is the Deputy Assistant Secretary for Public Affairs (formerly the PAVAC Chair). Two offices, OERI and the Office of Planning, Budget, and Evaluation, are represented by Career Senior Executive Service representatives (one from each office) at each PAVAC meeting. In addition, two Career Senior Executive Service staffers represent the following offices on a rotating basis, as determined by the Chairman: the Office of Special Education and Rehabilitative Services, the Office of Elementary and Secondary Education, the Office of Postsecondary Education, the Office of Bilingual Education and Minority Lan-

[38] According to documents from FY 1984, available in subcommittee files; these statistics were not provided to the subcommittee for FY 1985.
[39] Hearing, Graham testimony, prepared statement, p. 77.

guages Affairs, and the Office of Vocational and Adult Education.

PAVAM is replaced by the Publications Review Staff (PRS), which will be increased in size.

Proposed publications will "receive increased scrutiny at the time of award." [40]

III. Findings

1. There were no savings to the Federal Government when products of the educational laboratories and centers were rejected by PAVAC

The Federal Government did not save any money when a proposed publication of the educational laboratories and centers was rejected by PAVAC. That is because any money that was not spent on publication could be kept by the educational laboratories and centers, rather than returned to the Federal Government.

At the hearing, the Chair of PAVAC justified PAVAC review as a cost-cutting process, by explaining that this money could be used by the educational laboratories and centers for other purposes.[41] However, the cost estimates provided by the laboratories and centers to the Department and the subcommittee indicate that the development and printing, as defined by PAVAC, are a minute proportion of the research and development moneys approved for each project. For example, a computer technology program developed by the Northwest Regional Laboratory had a total R&D budget of $267,923. Of this, approximately $7,000 was needed for development of the proposed publications and $2,980 was needed for printing costs, for a total of $9,980, less than 4 percent of the total budget. Similarly, a project entitled "Center for Performance Assessment," funded at $228,915, required only $970 for development and $737 for printing of the proposed publications on classroom assessment and teacher evaluations, which totaled $1,707, less than 1 percent of the budget.[42]

It is unclear exactly what will happen to unexpended funds for products rejected by PRB. The Department witnesses did not address this question. However, even if the moneys are returned to the Federal Government, the statistics cited above demonstrate that the amount saved is very small compared to the amount already spent to develop the product.

2. The money saved when PAVAC and PRB reject WEEA products is a very small proportion of the money spent to develop those products

In most cases, the Federal Government saves a few thousand dollars when PAVAC rejects WEEA publications. This represents a very small proportion of the total amount spent in the research and writing that was completed before the publication was given to PAVAC or PRB for review.

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[40] Fact Sheet of the Department of Education, Nov. 5, 1986, in subcommittee files.
[41] Hearing, Graham testimony, p. 93.
[42] Hearing, testimony of Dr. Rath, p. 55.

Relatively modest Federal funding was requested for the WEEA publications, because they had already been typeset and only required money for printing. For the WEEA proposed publications that were rejected by PAVAC in FY 1984, $429,834 had already been spent on those projects, and only $18,606 had been requested for publications aimed at disseminating the information from the projects. This represents only 4 percent of the Federal funding that had already been spent. For the WEEA proposed publications that were rejected by PAVAC in FY 1985, $615,847 had already been spent on the WEEA projects and an additional $13,194 (2 percent) had been requested for publishing costs.

For example, a project on Asian women was funded at $261,285, where all three proposed publications were rejected in FY 1985. These publications ranged in cost between $509, for 300 copies of a manual for training professional Chinese American women, to $1,400 for 300 copies of a manual for counselors and researchers interested in the career development of Chinese American women. These costs range from less than two-tenths of 1 percent to half of 1 percent of the Federal money that had already been spent on the project. Since all the products were rejected by PAVAC, the information from the project on Asian women was of benefit only to those who actually participated in the model program. However, the grant had been funded with the understanding that the model program would be used to develop handbooks and a bibliography that would be disseminated to similar programs across the country.

Since all WEEA publications are sold by a national clearinghouse at cost, all profits from publications sold would have been used for later printing costs. Recent sales figures indicate that these products are selling well, and that WEEA publication costs are less than 3 percent of the money brought in by the sales of WEEA products.[43] Therefore, the printing moneys requested were a onetime cost, and a substantial proportion if not all of the funds would have been recovered through the sale of the publications.

In addition to a small amount of savings relative to the cost of the projects, rejected publications also reflect an almost complete waste of the money spent on the projects. The purpose of the projects funded by WEEA and the educational laboratories and centers is to make new curricula, teaching methods, and other information available across the country. If funds are spent to develop training materials that are never made available, then the millions of dollars have been completely wasted.

3. PAVAC REVIEW PROCEDURES COST ALMOST AS MUCH AS THE REJECTED PUBLICATIONS

The costs delineated above do not include the cost of the PAVAC review procedure itself. One educational laboratory estimated that their work in preparing information for the PAVAC review cost at least 30 staff days.[44] All the information required by PAVAC for

[43] In the first nine months of FY 1986, WEEA sales totaled $123,723, whereas WEEA publication costs approved in FY 1986 (the last year when products were approved) was $3,196; in subcommittee files.

[44] Hearing, testimony of Dr. Rath, p. 54.

the 353 proposed publications of the laboratories and centers was compiled by NIE and OERI, and they had to work closely with the 12 institutions involved, which translates into a considerable amount of Department staff time. In addition, the direct cost of the PAVAC review process can be estimated in terms of the PAVAM full-time staff, which costs the Federal Government $47,300 per year in salary and benefits, at least $10,000 each year for the part-time salaries of several other staff of the Department who were assigned to PAVAC review, and a proportion (2 percent) of the approximately $70,000/year for salaries and benefits of the six senior staff who are PAVAC members, which equals $8,400.[45]

These costs of PAVAC are disproportionately large compared to the costs of many of the rejected products, particularly those costing under $2,500. For example, the annual salary for the PAVAM staff member is considerably more than the $35,000 "saved" by rejecting WEEA products over a 3-year period.[46]

4. PAVAC AND PRB MEMBERS LACK SUFFICIENT TRAINING AND EXPERIENCE TO REVIEW THE MERITS OF PUBLICATIONS IN THE AREAS OF EDUCATIONAL RESEARCH AND CURRICULUM

Most of the members of PAVAC had virtually no substantive experience in the areas of education or research represented by the publications under investigation. None of the members had expertise in educational equity, bilingual education, or Indian education. One member is employed in the Office of Special Education and Rehabilitative Services, but had no expertise in special education prior to that appointment. Although three PAVAC members have doctorates, including two members added within the few months before the subcommittee hearing, only one had expertise in educational research, according to information supplied by the Department.[47] The positions held by the members of PAVAC for the most part reflect experience with public relations, management issues, and the law, which might have been appropriate for a review based on fiscal considerations, rather than substantive content. One member had some teaching experience at the elementary level, one at the college level, and one at the secondary school and college level, but in all cases the teaching expertise was less substantial and less recent than their administrative skills; for example, the PAVAC Vice Chair had left teaching ten years earlier.

Of all the members of PAVAC, the Chair apparently had the least expertise in education. She testified that she had no experience in the field of education before becoming Assistant Secretary for Legislation and Public Affairs in the Department. Taken all together, the appointments made to PAVAC, particularly as reflected in the PAVAC membership before the subcommittee's investigation

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[45] These figures are based on salaries and fringe benefits of one PAVAM full-time professional staffer, 25 percent time for the PAVAM secretary, and smaller percentages of time for other staff; the 2 percent estimate is based on the PAVAC Chair's testimony that she spent 1-1.5 hours at each PAVAC meeting, which was held twice each month according to PAVAC minutes; salary information is in subcommittee files. The Department reports that the PRB met only five times between Nov. 5, 1985, and Aug. 31, 1986, which would cost less than the 2 percent estimate, despite the increase in the number of PRB members. However, during the first eight months of PRB, PRB did not review any WEEA products or educational laboratory products.

[46] In subcommittee files.

[47] Résumés and personal qualifications statements available in subcommittee files.

became known to the Department, suggest that PAVAC was not intended to make decisions about the substantive content of the proposed publications.

In her testimony, the Chair of PAVAC stated that PAVAC members did not have or need expertise in the content area (e.g. educational equity or educational research) "because we didn't deal with content."[48] However, PAVAC review criteria were unquestionably based on content. For example, the criteria that PAVAC cited for all rejections of WEEA products in FY 1985 and FY 1984 was lack of "essentiality and timeliness."[49] These judgments are best made by people with an understanding of the substance of the publication and the needs of the educators in the field.

This problem was acknowledged by the Under Secretary of Education, Gary Bauer, when he overturned the PAVAC rejection of products developed by the educational laboratories and centers. In his memorandum, he implied that previous PAVAC decisions had been made by members with no expertise in the type of research conducted by the laboratories and centers, when he stated that this situation would improve as a result of new PAVAC members that had been added.[50]

5. PAVAC AND PRB MEMBERS LACK THE EXPERTISE NECESSARY TO MAKE APPROPRIATE DECISIONS ABOUT DISSEMINATING RESEARCH RESULTS AND TEACHING MATERIALS

PAVAC members' lack of expertise in the field of education was reflected in their statements on dissemination of information. For example, the PAVAC Chair and Vice Chair testified that the Educational Resources Information Centers (ERIC), an information storage and retrieval system available through major libraries, was a superior alternative to publications for many educational products.[51] These comments were strongly rebutted by the laboratory director and an educator who testified at the subcommittee hearing.[52] The Director of the Northwest Regional Educational Laboratory testified that most of the publications that PAVAC had limited to inclusion in ERIC were research materials that were intended for a wide audience of teachers and administrators. He was concerned that the intended audience would not read materials that were only available through ERIC, which he referred to as "research archives."[53] In the appeal memorandum to the Under Secretary, Emerson Elliott, Acting Assistant Secretary for OERI, stated "It is the considered opinion of these experts that much of the information would be unused if not produced in hard copy and distributed to appropriate educators and other users."[54]

These concerns are well founded. The Chair of PAVAC testified that there are 10 million ERIC users each year, but the correct

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[48] Hearing, Graham testimony, p. 99.
[49] Hearing, testimony of Dr. Harris, pp. 87-89; and documents in subcommittee files.
[50] Memorandum from Gary L. Bauer, Under Secretary, to Anne Graham, PAVAC Chair, Sept. 18, 1985, see p. 15 of this report or subcommittee files.
[51] Hearing, Graham testimony, pp. 88, 93, 98, and Dr. Combs testimony, p. 104.
[52] Hearing, testimony of Dr. Rath, pp. 60-61, and Richard Long, p. 132.
[53] Hearing, testimony of Dr. Rath, pp. 60-61.
[54] Memorandum from Emerson Elliott, Acting Assistant Secretary for OERI, to Gary Bauer, Under Secretary, June 27, 1986, p. 2, in subcommittee files.

figure is that ERIC is used 2.7 million times each year, and only 785,000 of these usages include reading reports. Since most people who read RIE reports read more than one, this would involve a fraction of 785,000 people each year. Less than 30 percent of elementary school teachers, principals, and librarians have ever used ERIC and many of those have used the abstract service, rather than reading reports available through the Research in Education (RIE) series.[55]

In this and other testimony, the PAVAC Chair and PRB Chair both showed very limited understanding of the ERIC system, and particularly its availability across the country. For example, Dr. Combs, the PRB Chair, stated that she believed ERIC's availability in Winston-Salem, North Carolina, where she had been a teacher, was typical nationwide. This is not the case. First, Winston-Salem is extremely atypical in size; it is larger than 99 percent of the towns and cities in the country.[56] The PRB Chair had drastically underestimated the size of the city, which is 130,000, not the 50,000 she estimated.[57] However, even a city of 50,000 is larger than 98 percent of American cities and towns.[58] More importantly, seven colleges and universities are located in Winston-Salem, and it is therefore much more likely to have access to ERIC than the many towns and cities that do not have even one college or university.[59]

At the hearing, the PAVAC Chair was unable to answer several questions about the availability of ERIC.[60] After researching the subject of ERIC availability, she wrote to the subcommittee that ERIC would soon be available to any library with an IBM personal computer. She described this arrangement as "providing the small public library with inexpensive unlimited access to ERIC." [61] However, the computer access she described is neither unlimited nor inexpensive. It is not unlimited because this resource will only include the titles and brief summaries of documents available in the Research in Education (RIE) series, not the entire report. So, any teacher or administrator who actually wants to read the teaching manual or research results will still have to order it from the ERIC system or one of the relatively few libraries that subscribes to RIE. Secondly, in addition to the approximately $4,000 necessary to buy the disk player, IBM compatible computer, printer, and software, the ERIC access that the PAVAC Chair described requires a laser disk that costs $1,750 for 1983–86, and will cost more for disks for the years prior to 1983 and after 1986.[62]

The Director of the Northwest Regional Educational Laboratory also stated that PAVAC severely restricted the laboratories' use of newsletters, which were intended as an inexpensive way to make information available to a well targeted audience of educators and administrators as quickly and easily as possible.

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[55] Hearing, Graham testimony, p. 97; Cost and Usage Study of ERIC, 1981, op. cit., pp. 8-9,33.
[56] U.S. Bureau of the Census, unpublished data based on 1984 subcounty estimates, Washington, D.C., 1986; in subcommittee files.
[57] Hearing, Dr. Combs testimony, p. 104.
[58] U.S. Bureau of the Census, unpublished data based on 1984 subcounty estimates, Washington, D.C., 1986; in subcommittee files.
[59] In subcommittee files.
[60] Hearing, Graham testimony, pp. 103-4.
[61] Hearing, Graham testimony, p. 104.
[62] In subcommittee files.

Similarly, the incoming president of the American Educational Research Association, Dr. Lauren Resnick, testified that PAVAC recommended that research reports should be included as items in newsletters, rather than be available as separate reports. She stated that "This demonstrated in the cases that we have been able to study, a clear lack of knowledge about now research findings are well communicated to users and particularly to practitioners in the field." [63]

The PAVAC members' lack of experience in educational research and teaching meant that they were ill equipped to make decisions about the best ways to disseminate educational information.

6. PRB MEMBERS ALSO LACK EXPERTISE TO REVIEW THE MERITS OF AND DISSEMINATION STRATEGIES FOR PUBLICATIONS IN EDUCATIONAL RESEARCH AND CURRICULUM

The membership of PRB represents an improvement in terms of expertise, at least to the extent that permanent and rotating members are career employees, who are working in the program offices whose products are under review. However, there is considerable overlap between the political appointees who are permanent members of PRB and those who were PAVAC members, so that much of the leadership remains the same. The Vice Chair of PAVAC became Chair of PRB, but left that position in August 1986. The two new permanent members of PRB, one of whom is now Acting Chair of PRB, have expertise in financial management, public relations, and other administrative skills. Their graduate degrees are in Educational Administration/Business Government Relations and Public Administration. According to the information provided by the Department, they have no expertise in teaching or in the substantive areas that the PRB will review. In addition, the best qualified of the PAVAC members, the Assistant Secretary for OERI, is not a member of PRB.

The credentials of the PRS staff member, who was also the PAVAC staff member, is also relevant, although his exact role is unclear. He described his PAVAM position as making information available to PAVAC so "they can deliberate among themselves and make the decision," but the PAVAC Chair stated that the PAVAM staff person made recommendations and PAVAC agreed with his recommendations 95 percent of the time.[64] In addition, he is empowered to review products costing under $2,500, and products that had been approved by PAVAC in previous years, although he apparently did not always do so. Although this career employee has a doctorate in education, his most relevant substantive educational background was as a math teacher approximately 20 years ago. According to the documents provided by the Department, much of his educational expertise was related to publishing and administration, not to educational research or teaching techniques.[65]

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[63] Hearing, testimony of Dr. Lauren Resnick, President-Elect of the American Educational Research Association, p. 120.
[64] Hearing, Dr. Harris testimony, p. 83; Graham testimony, p. 83.
[65] In subcommittee files.

7. PAVAC HAS LIMITED EDUCATORS' ACCESS TO EDUCATIONAL EQUITY MATERIALS, INCLUDING PRODUCTS THAT WERE STRONGLY ENDORSED BY EXPERTS IN THE FIELD AND BY THE WEEA OFFICE

Prior to PAVAC, the WEEA Office approved an average of 75 percent of the products that were proposed by WEEA grantees.[66] The proportion of approved products decreased dramatically after PAVAC became involved in the review process, despite the fact that the pre-PAVAC WEEA reviews were conducted by experts in the field of educational equity who used many of the same criteria as those delineated in the PAVAC directive.

In the spring of 1983, summaries of 16 publications and 2 audio-visual products developed by 10 WEEA projects were submitted to PAVAC for review. Only 5 (28 percent) of those products were approved, and four of those were components of a single project. For FY 1984, the products of 9 WEEA projects were submitted to PAVAC for review. The products of only three (33 percent) of the projects were approved, resulting in 13 products, 10 from a single WEEA project and 2 from another project. This resulted in approval of 54 percent of the products WEEA submitted. In January 1985, 10 publications from 8 WEEA projects were submitted to PAVAC; only two publications (20 percent) were approved.[67]

At the subcommittee hearing, the Chair of PAVAC repeatedly stated that these decisions were made almost entirely on the basis of cost considerations, such as "photographs or unnecessary graphs" or the quality of paper used for the covers.[68] She explained that whether the content was considered depended on one's definition of content: "If content is defined as the grade of the paper or the number of photographs, then yes, we do look at content in terms of cost, but not in terms of philosophy."[69] In a letter sent to the subcommittee, the PAVAC Chair clarified her response, stating that "PAVAC did not question or review the personal opinions of the authors."[70] However, the subcommittee received evidence to the contrary, indicating that factors other than paper quality were involved. The PAVAM senior staff member was quoted as stating at a WEEA conference in 1985 that "anti-Administration" content was not acceptable to PAVAC. If this is correct, then every WEEA project could have been considered anti-administration, because the administration's lack of support for the WEEA Program is well established. For example, in 1983, the Vice Chair of PAVAC, Charles Heatherly, testified at a Congressional hearing that WEEA consisted of feminists "feeding at the Federal trough," and before joining the administration he had worked on a Heritage Foundation report that recommended WEEA be abolished.[71] In addition, for the first three years of his administration, President Reagan's budget proposals had included no funding for WEEA.

There is also evidence that PAVAC sometimes succeeded in influencing the Principal Offices to withdraw recommendations for

[66] Hearing, testimony of Dr. Wolfe, p. 29.
[67] In subcommittee files.
[68] Hearing, Graham testimony, p. 100.
[69] Hearing, Graham testimony, p. 100.
[70] Hearing, Graham testimony, p. 101.
[71] Hearing, testimony of Dr. Wolfe, prepared statement, p. 44.

WEEA products, because of the content. In a March 29, 1983, letter to the Assistant Secretary for Elementary and Secondary Education, regarding a manuscript entitled "A Very Special Book," the Chair of PAVAC stated "After reviewing the document, the PAVAC feels that the publication produced under a grant does not meet the criteria for essentiality that would warrant Federal involvement and further dissemination. Therefore, it unanimously voted to return the manuscript to you with a special request that you personally review the contents. The PAVAC feels that, upon reconsideration, you might withdraw your endorsement of the request."[72] The PAVAC Chair contradicted herself on this issue saying that "PAVAC rarely sees the final document" and then later writing to the subcommittee that "In cases where the manuscript is available, staff feel obligated to read it and render a judgment on its essentiality * * *. To the extent that my colleagues and I looked at the 'content' of a proposal, it was to ensure that the document met the tests of essentiality, reached the intended audience, and addressed pertinent educational issues."[73] Despite her earlier protestations, the memorandum and later clarification show that PAVAC was not considering the paper quality or other cost considerations, but rather the content of the product.

According to the documents that the Department supplied to the subcommittee, PAVAC almost never questioned the graphics, paper quality, or similar publishing details regarding WEEA products, although they did have such concerns about products from some of the other programs.[74]

8. PAVAC REVIEW OF WEEA PRODUCTS MAY HAVE BEEN BIASED BY PAVAC'S ASSUMPTION THAT THE PRODUCTS WERE NOT APPROVED BY THE PRINCIPAL OFFICE

In her sworn testimony, the Chair of PAVAC stated that it was the custom of the Assistant Secretary for Elementary and Secondary Education not to recommend WEEA products for PAVAC approval, but merely to pass on the recommendations of the WEEA program office.[75] These statements are contradicted by the Assistant Secretary in a letter to the subcommittee dated January 9, 1986, in which he stated that his "forwarding products to PAVAC indicates that the products have been reviewed, meet the User review criteria and the Principal Office review criteria, and are recommended for PAVAC review."[76] However, since the Assistant Secretary for Elementary and Secondary Education was a member of PAVAC in the fall of 1985, it is difficult to understand how such a misunderstanding could occur.

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[72] Memorandum from Anne Graham, PAVAC Chair, to Dr. Lawrence Davenport, Assistant Secretary for Elementary and Secondary Education, Mar. 29, 1983, in subcommittee files.
[73] Hearing, Graham testimony, pp. 100-101.
[74] In subcommittee files.
[75] Hearing, Graham testimony, p. 87.
[76] Letter from Dr. Lawrence Davenport, Assistant Secretary for Elementary and Secondary Education to the Honorable Ted Weiss, Jan. 9, 1986, available in subcommittee files.

9. APPEALS PREPARED FOR WEEA PRODUCTS REJECTED BY PAVAC WERE BLOCKED, SO THAT ALMOST NO APPEALS WERE CONSIDERED BY PAVAC

When PAVAC rejects a publication or audio visual product, the Principal Office can appeal the decision by providing additional information in support of the product. Virtually all of the PAVAC rejections of the products of the educational laboratories and centers were appealed, and a substantial number were appealed by the Office of Bilingual Education and Minority Languages Affairs and the Office of Special Education and Rehabilitative Services. In contrast, only one PAVAC rejection of a WEEA product was appealed between 1982-85.[77]

In their sworn testimony, the Chair of PAVAC and the PAVAM senior staff member claimed that WEEA had not taken advantage of the PAVAC appeals process in most instances where WEEA products were rejected.[78] The Assistant Secretary for Elementary and Secondary Education also concurred that PAVAC rejections of WEEA products had not been appealed.[79] However, documents provided to the subcommittee indicated that appeals were initiated by the WEEA program office, but were not forwarded to PAVAC by the Office of Elementary and Secondary Education.[80] According to the Assistant Secretary for Elementary and Secondary Education, appeals were not submitted within 15 days of the PAVAC decision, and therefore were too late to be considered for another PAVAC review.[81] This could have been due to inappropriate delays in the WEEA program office, or in the process required to get their appeals approved through all the necessary channels before they could be submitted to PAVAC. However, in at least one case the appeal document was prepared several days before the deadline, but was not forwarded to PAVAC.[82]

In addition, there is evidence that the decision not to appeal was made by Dr. Lawrence Davenport, Assistant Secretary for Elementary and Secondary Education, or his staff, and was not due to any unintentional delays. On a routing and transmittal slip regarding WEEA products rejected by PAVAC, dated December 12, 1982, it is specified that "Dr. Davenport does not wish to appeal the decisions." Similarly, another document regarding PAVAC review from March 1983 states that "As a general rule, we are not appealing PAVAC decisions per Lois Bowman," who is the Deputy Assistant Secretary.[83]

The only WEEA product that was rejected by PAVAC and then appealed was a manual developed at the University of Massachusetts entitled "To Make a Difference." PAVAC reviewed this product in FY 1983, and concluded that the product did not meet their standards of "essentiality, cost effectiveness, and appropriateness

[77] In subcommittee files.
[78] Hearing, Graham testimony, p. 98; Dr. Harris testimony, pp. 87-88.
[79] Letter from Dr. Lawrence Davenport to Hon. Ted Weiss, Jan. 9, 1986, and supporting materials, in subcommittee files.
[80] In subcommittee files.
[81] Letter from Dr. Lawrence Davenport, Assistant Secretary for Elementary and Secondary Education to Dr. Diana Zuckerman, subcommittee professional staff member, dated Feb. 10, 1986, in subcommittee files.
[82] In subcommittee files.
[83] These two documents are in subcommittee files.

of material to achieve stated goals."[84] The expert panelists who had reviewed the product for the WEEA Publishing Center had stated that no similar materials were available and that there was a great need for this product. It was not until an explanation was requested from PAVAC by Rep. Silvio Conte, the Congressional representative of the women who had developed "To Make a Difference," and the ranking minority member of the Appropriations Committee and the Appropriations Subcommittee on Labor, Health and Human Services, and Education, that any action was taken. PAVAC reviewed the proposed publication again in August 1983, and upheld their decision to disapprove, but the Under Secretary reversed the PAVAC decision. After 10 months of perseverance on Rep. Conte's part, the manual was finally approved in October 1983.[85]

Given that the one successful WEEA appeal of a PAVAC decision was the result of an appeal initiated past the 15-day time limit,[86] the 15-day time limit on appeals does not seem a credible reason why FY 1985 WEEA products were not reviewed by PAVAC on appeal. It is also important to consider that one basis of the most recent appeal to PAVAC was the WEEA amendments of 1984, and the question was whether PAVAC rejections were illegal under the new statute. Clearly, any 15-day limit on appeals would be irrelevant to a question of illegality. However, the Department did not examine the issue of the statute's impact on WEEA until after it was brought up at the subcommittee hearing. Moreover, the delay between the original submission of the WEEA product and the PAVAC disapproval was often more than one year, so that the 15-day deadline would seem to be an arbitrary time limit.

On the basis of these points, it is apparent that WEEA products that had been rejected by PAVAC were not appealed and the 15-day limit on appeals was not waived again for WEEA products because the Office of Elementary and Secondary Education or PAVAC members were not supportive of WEEA appeals.

10. REJECTION OF WEEA PUBLICATIONS BY PAVAC OR PRB CONFLICTS WITH THE WEEA AMENDMENTS OF 1984

Because of concerns that dissemination had been curtailed, WEEA was amended in 1984 to require the Department to disseminate at a low cost all materials and programs developed under the Act. The House report accompanying the WEEA 1984 amendments states "materials developed under WEEA should be evaluated and disseminated at low cost to ensure that the original intent of the law to make these materials widely available is carried out. Only three new projects were published in 1983 and no new projects were published during the first half of 1984. This amendment addresses that situation."[87]

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[84] Hearing, testimony of Dr. Wolfe, p. 30; documents in subcommittee files.

[85] Correspondence with Rep. Conte and PAVAC memorandum dated Aug. 26, 1983, and Oct. 21, 1983; Memorandum from Lois Hartman, Director, Management Improvement Service, to Dr. Lawrence Davenport, Assistant Secretary for Elementary and Secondary Education, dated Oct. 21, 1983; all documents available in subcommittee files.

[86] Aug. 26, 1983, memorandum from Anne Graham to the Under Secretary, in subcommittee files.

[87] Education Amendments of 1984, House Report 98-748, p. 15.

When asked about the impact of this 1984 WEEA amendment on PAVAC review of WEEA products, the Chair of PAVAC testified that she was unaware of the amendment.[88] This statement is disturbing in and of itself, considering that the Chair was also the Assistant Secretary for Legislation and Public Affairs. In addition, the Vice Chair of PAVAC, who had just become Chair of PRB, and the PAVAC/PRS senior staff member testified that they were both unaware of the WEEA amendment and therefore no changes had been made in the PAVAC procedures in response to that amendment.[89] In response to a question about changes in the PAVAC review of WEEA documents, the Assistant Secretary for Elementary and Secondary Education stated that he had forwarded the inquiry to the Office of the General Counsel.[90] However, in 1985 the WEEA program office had submitted a memorandum to the Office of Elementary and Secondary Education, requesting a "blanket waiver" from PAVAC review for WEEA documents, because of the 1984 WEEA amendments. This memorandum had been completely ignored, according to the Assistant Secretary for Elementary and Secondary Education.[91]

The Office of the General Counsel sent an opinion regarding the WEEA amendment to the Assistant Secretary for Elementary and Secondary Education and the new Chair of the PRB on March 20, 1986. The Chair of PAVAC and the Assistant Secretary had written that they would share this opinion with the subcommittee when it was completed.[92] After repeated requests for the document, the opinion was finally provided to the subcommittee in July 1986. The memorandum from the General Counsel to the Assistant Secretary for Elementary and Secondary Education states that "It is our view that the [current] procedures are insufficient to meet the requirement of the 1984 WEEA amendment. Though it does not preclude the PRB from reviewing WEEA materials, the 1984 WEEA amendment does require that the WEEA Office disseminate to the public all WEEA materials in some form * * *. Therefore, a process must be established to evaluate all WEEA materials and determine how best to make them widely available."[93]

This opinion resulted in a change of procedures for review of WEEA documents, whereby PRB would make recommendations regarding publication, but the Assistant Secretary for Elementary and Secondary Education would make the final decisions.[94] Only two PRB decisions have been made under the new procedures, and the new policy of disseminating all products is not yet in place.

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[88] Hearing, Graham testimony, p. 86.

[89] Ibid., p. 86.

[90] Letter from Dr. Lawrence Davenport, Assistant Secretary for Elementary and Secondary Education to the Honorable Ted Weiss, Jan. 9, 1986, in subcommittee files.

[91] Letter from Dr. Lawrence Davenport, Assistant Secretary for Elementary and Secondary Education to Dr. Diana Zuckerman, subcommittee professional staff member, dated Feb. 10, 1986, and chronology of events sent on Mar. 24, 1986, available in subcommittee files.

[92] The document was promised in a letter from Anne Graham, PAVAC Chair, to the Honorable Ted Weiss, Dec. 19, 1985, and in a letter from Dr. Lawrence Davenport, Assistant Secretary for Elementary and Secondary Education, Jan. 9, 1986; both letters in subcommittee files.

[93] Hearing, see App. 3, p. 146 for both General Counsel memoranda on this topic.

[94] Conversation with Dr. Lawrence Davenport, Assistant Secretary for Elementary and Secondary Education, June 6, 1986, in subcommittee files.

11. PAVAC REVIEWED AND REJECTED PUBLICATIONS THAT IT WAS NOT REQUIRED TO REVIEW

PAVAC review is not required for any publications that cost less than $2,500 to develop and print. Instead, PAVAM staff can approve those products without any PAVAC involvement. The apparent reason is that it would not be cost-effective to require senior staff to spend time reviewing publications of such modest cost. In her testimony, the PAVAC Chair stated that "Dr. Harris, in his capacity as the career staff, is in a position where he looks at all publications under $2,500 and makes a decision on his own on those."[95]

However, of the 18 WEEA products that were rejected by PAVAC in FY 1984 and FY 1985, 13 (72 percent) had requested $2,500 or less to publish. In fact, four (22 percent) would have cost under $1,000 each.[96] Nevertheless, they were reviewed and rejected by PAVAC.

The situation is similar for the products submitted for approval by the educational laboratories and centers. Of the 124 products that were appealed after being reviewed and rejected by PAVAC in FY 1985, 104 (84 percent) had required $2,500 or less to publish. In fact, 13 (13 percent) of the 98 appealed products that PAVAC rejected would have cost under $200 each.[97]

When asked about this procedure, the Chair of PAVAC pointed out that there is no legal restriction, and PAVAC can review those publications if they choose to do so, quoting the 1983 PAVAC Directive that "Those submissions that are within the $2,500 threshold and are not approved by PAVAM will be presented to PAVAC in the normal manner." She stated that "In the case of the large number of products submitted by OERI on behalf of the educational laboratories and centers, PAVAM felt that all such products should be considered by the PAVAC in an effort to provide the PAVAC with an overall perspective and the opportunity to act in a consistent, equitable manner."[98]

However, these procedures are not consistent with procedures used for the products proposed by the Office of Bilingual Education and Minority Languages Affairs or the Office of Special Education and Rehabilitative Services. For both of those programs, all products costing under $2,500 were reviewed and approved by PAVAM.[99] The PAVAC Chair did not give an explanation for the WEEA reviews, so it is unclear whether PAVAM did not approve them, or PAVAC decided to review them all for another reason.

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[95] Hearing, Graham testimony, p. 103.

[96] The costs of the publications were especially low because the WEEA Publishing Center had made them camera ready under the assumption that they would be published. As a result of a similar misunderstanding, one of the 18 rejected products was published by mistake.

[97] In subcommittee files. Comparable statistics are not available for the cost of more than 400 products that were originally reviewed by PAVAC because development costs were defined incorrectly in some cases.

[98] Letter from Anne Graham, PAVAC Chair, to the Honorable Ted Weiss, dated Dec. 19, 1986, Hearing, see App. 1, p. 143.

[99] These statistics are based on FY 1984 only, for submissions where costs were specified; available in subcommittee files. FY 1985 statistics supplied to the subcommittee did not include information on costs.

12. PAVAC REVIEW RESULTED IN DELAYS AND UNCERTAINTY THAT DECREASED THE EFFECTIVENESS OF THE EDUCATIONAL LABORATORIES AND CENTERS IN 1985, AND PRB IS HAVING A SIMILAR IMPACT IN 1986

The educational laboratories and centers were first notified of the need for PAVAC approval on November 30, 1984. Within a month, most laboratories had requested PAVAC approval. On January 23, 1985, the laboratories received a memorandum from NIE, which included forms that the laboratories needed to complete for the PAVAC review. In February and March, the laboratories completed and sent the forms that were required for PAVAC review, as well as additional information that was requested. In April, PAVAC rejected NIE's request for blanket approval for all these products, and NIE requested more information from the laboratories about the proposed products. In mid-May, the laboratories were informally notified that only 89 of the 353 publications were approved. Appeals continued until August, when the laboratories were notified that less than 20 percent of the appealed products had been approved. Finally, on September 18, the PAVAC rejection decisions were reversed by the Under Secretary, and all 98 publications that had been appealed were approved.[100]

This chronology indicates that the PAVAC process took almost 10 months. The number of proposed publications dropped dramatically, for a variety of reasons. In some cases, the number of copies was dropped below 50, so that PAVAC review was no longer necessary. In other cases, the delay meant that the publication was no longer timely; for example, it makes no sense to print the winter, spring, and summer newsletters for distribution in October, or to publish a manual intended for use at a conference that was held three months earlier. In those cases, the laboratories and centers were unable to disseminate information that they had determined was important. This determination was not motivated by financial benefits, since the laboratories (not the Federal Government) were able to keep moneys that had been set aside for publications if the publications were not approved.

The PRB process has already meant a nine-month delay for the products of the educational laboratories and centers. As of August 1986, the educational laboratories and centers had not yet received approval for any of the products that they submitted to PRB for review.[101] In one case, a publication that was not intended for PRB review, because less than 50 copies were planned, was reviewed by PRB anyway. As a result, the laboratory was required to print more than 50 copies, and to use the Government Printing Office. This will create unnecessary delays in the dissemination of that publication.[102]

The laboratories circumvent PRB delays whenever possible by finding alternate sources of funding for newsletters and other products that have to be published before the reviews are completed. In

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[100] Hearing, testimony of Dr. Rath, prepared statement, pp. 16–17.

[101] Letter from Joseph Schneider, Executive Director of Council for Educational Development and Research, to the Honorable Ted Weiss, Sept. 9, 1986, in subcommittee files. According to a conversation with Mr. Schneider, only one product was reviewed by PRB by the end of August.

[102] In subcommittee files.

addition, the PAVAC/PRB review process has had a chilling effect in 1986; the laboratories and centers apparently avoided submitting products for review, as shown by the drop in the number of proposed products.[103] This chilling effect was predicted by the President-Elect of the American Educational Research Association in her testimony, when she stated "Rather than confront the bureaucratic hurdles, prominent and distinguished researchers and scholars may elect to pursue research projects which do not entail additional government controls and requirements. They may become overly sensitive to what the Federal government may approve or disapprove and avoid controversial research topics and problems. In anticipation of PAVAC [or PRB] review, researchers and scholars may begin to taylor publications to meet real or perceived criteria of acceptability.[104] The ultimate losers are the schools and the communities, because less information about successful teaching techniques is available.

IV. Conclusions

1. PAVAC and PRB are not cost-effective

When PAVAC rejected publications from the educational laboratories and centers, the Federal Government did not save any money, because the money was kept by the laboratories and centers. When PAVAC and PRB reject WEEA publications, the amount that the Federal Government saves is a small fraction of the cost of the PAVAM staff salary, and a small proportion of the money spent on the WEEA project that developed the product or products. In addition, the amount of money brought in by sales of WEEA products in recent years is much greater than the amount spent to publish new WEEA products.

All the products that PAVAC reviewed had been judged to be timely, essential, and cost-effective by the Program Officers with substantive experience in the subject area. Even if one assumes that the PAVAC criteria of "not essential," which was most often used as a justification for rejection, is valid, it is certainly not a claim that the product has little or no value. It is therefore of particular interest that the PAVAC review, which costs a considerable amount of money, rejected many "low ticket items." This could perhaps have been justified if the products were offensive or of no value. In that case, it would be a case of "not throwing good money after bad." However, PAVAC never claimed that the products had no value, but rather that they were not essential to the Department fulfilling its mission.

2. The PAVAC/PRB review process is duplicative and the criteria are vague: the result is censorship of educational material

As described in the Education Department Documents A:MIS:1-110, which describes PAVAC and PRB, the review process that culminates in PAVAC or PRB review involves several layers of re-

[103] In subcommittee files.
[104] Hearing, testimony of Dr. Resnick, prepared statement, pp. 125–6.

viewers who use identical criteria.[105] The final layers of review, PAVAC/PRB members who are assisted by the PAVAM/PRS staff, are the least knowledgeable about the subject matter involved, although they have expertise in technical issues related to publishing. This would make sense if PAVAC and PRB made the kinds of cost decisions described by the PAVAC Chair regarding paper quality and graphics; however, it is not appropriate for decisions that are often based on content-related criteria such as essentiality and timeliness.

In PAVAC and PRB review, essentiality is defined in terms of a product being so important that without it, the program will not fulfill its mission. Even the PAVAC Chair agreed that no one product could ever be that important, and she was unable to define the term in any other way.[106]

Timeliness is a criterion often used as a basis for rejection by PAVAC; in FY 1984-85, all WEEA products that were rejected were on the basis of essentiality and timeliness.[107] However, timeliness is not included in the description of PAVAC or PRB criteria.[108] In terms of the WEEA products, it should be noted that grants are awarded for projects that are considered essential and timely, with the expectation that a product will result. Therefore, the grant would not have been awarded if the Program Office did not agree that the product was needed. Although needs can change between the time that a grant is awarded and the time that the project is completed, it is unlikely that the PAVAC and PRB members would be better able to make that judgment than the Program staff, and even less likely that this would be true for the majority of grants awarded.

When vague and content-related criteria are used to make decisions by appointees who are not knowledgeable about the field, and when the documents and statements of Department personnel contradict sworn testimony, there is a strong suggestion that the review process is being used to limit dissemination of information, regardless of the cost or merit of that information.

According to the President-elect of the American Educational Research Association, who is a college professor and director of a learning research center, "PAVAC's role in deciding whether or not publications should be produced poses a serious threat to the integrity of the research and scholarly enterprise * * *. The Federal Government turns to academic institutions for assistance because of their openness and objectivity, knowledge and expertise, and their independence and autonomy * * *. For this reason, the Federal Government must not only exercise restraint in seeking control over research and scholarship, but must provide adequate guarantees, safeguards, and assurances against it." She warned that, regardless of its intentions, PAVAC represented "an attack * * * on that freedom."[109]

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[105] The Directive describing PRB has the same number as the one describing PAVAC, but is entitled Publication and Audiovisual Review System (PARS) and dated Nov. 5, 1986.
[106] Hearing, Graham testimony, pp. 91-2.
[107] In subcommittee files.
[108] Hearing, Graham testimony, p. 92.
[109] Hearing, testimony of Dr. Resnick, p. 118.

3. THE PROBLEMS RESULTING FROM PAVAC REVIEW ARE DUE IN LARGE PART TO DECISIONS MADE BY THE DEPARTMENT OF EDUCATION, NOT BY THE PAPERWORK REDUCTION ACT OR OMB

In many instances, PAVAC review went beyond the standards set by OMB. For example, in a memorandum to Assistant Secretary Finn and the Office of the Under Secretary, NIE argued that "under our legislative authority, Sec. 405(e)(1), almost everything produced (publications and audiovisuals) is a result of a NIE research contract and is therefore excluded" according to the intent of OMB.[110] However, the Assistant Secretary did not respond to that memorandum.

In addition, the definition of "publication" is extremely loose; PAVAC reviewed all products of 50 copies or more, even if the intent was to photocopy or offset 55 copies. There is no evidence that OMB intended that "publication" be defined that broadly. In the same memorandum, NIE recommended that the "directive be revised to more accurately define printing as opposed to duplication." At the subcommittee hearing, Rep. John Grotberg commented "I can't think of anybody that does a piece of research that couldn't generate 50 copies, basic copies, out of his own Xerox machine. . . . Government shouldn't have to fool around with anything that has only 50 copies, and neither should the Congress."[111] And yet, 50 or more copies of any document had to go through the PAVAC review process, and now has to be reviewed by PRB.

PAVAC review was not required for publications costing under $2,500, and yet according to the documents that the Department supplied to the subcommittee, the majority of WEEA and educational laboratories and centers products reviewed cost under $2,500.

The final point, is that "timeliness" was not a criterion for PAVAC rejection, even in the Department's own procedure manual, and yet it was often used as a basis of rejection for WEEA products, and sometimes for the products of the educational laboratories and centers.

4. THE REVIEW PROCEDURE THAT HAS REPLACED PAVAC, THE PUBLICATION REVIEW BOARD (PRB), SUFFERS FROM MANY OF THE SAME PROBLEMS AS PAVAC

There are few substantive differences between PAVAC and PRB:

1. Research products are excluded from PRB review, but the definition of research is left up to each Assistant Secretary. At the subcommittee hearing, neither the Chair of PAVAC nor the Chair of the PRB was willing to predict how research would be defined. Nine months after PRB was created, OERI still did not have an approved definition of research.[112]

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[110] Memorandum from Ned Chalker, NIE Program Coordination and Analysis, to Sara Bass, Office of the Under Secretary, Aug. 13, 1985, in subcommittee files.

[111] Hearing, testimony of the Honorable John Grotberg, p. 96.

[112] In September 1986, 10 months after PRB was created, OERI approved a definition of research. Approximately 30 products were exempted from PRB review as a result of this definition; detailed information was not yet available to the subcommittee at the time this report was written.

2. Membership has been modified to include staff from several program areas on a rotating basis, but individuals with substantive expertise are still outnumbered by political appointees and career staff who are not knowledgeable in the substantive area.

3. If the PRB rejects an appeal, the Principal Officer can appeal to the Under Secretary. This appeal is routed through the Under Secretary for Management, who happens to be the Chair of the PRB.[113]

4. PRS was to increase in size, according to the Department's fact sheet, but 10 months after PRB was created, the PRS staff was identical to the PAVAM staff.[114]

The review criteria of the PRB are virtually identical to those of PAVAC, and are therefore duplicative and vague. One of the criterion, "the suitability of the message," could easily be used to censor materials that are not acceptable to the political appointees or career members of PRB.

As of early August, the educational laboratories and centers had still not received exemption from PRB review or PRB approval for any of the products that they submitted. The problem of lengthy delays that resulted from PAVAC last year, and the inherent inefficiences that result, have continued under PRB review procedures.

In addition, there is evidence that PRB is reviewing products that it is not required to review, as PAVAC did. This causes even more delays in an already cumbersome system.

Any changes in the PRB process related to WEEA products cannot yet be assessed, because only two WEEA products have been reviewed by PRB.

V. Recommendations

1. PRB decisions should be limited to the kinds of cost-cutting measures regarding paper quality and numbers of copies that the PAVAC Chair described

The PRB can serve an important function in providing technical expertise to the Principal Offices regarding publishing and producing audio visual products. This technical assistance, in addition to a particularly cost-conscious approach to expensive public relations projects, can be cost-effective to the Department of Education. However, judgments regarding quality and essentiality of the publications and audio visual products should be made by the Program Office, with the assistance of the Principal Office.

2. Eliminate research, as defined by GEPA, from PRB review

The General Education Provisions Act (GEPA) defines educational research as "Research (basic and applied), planning, surveys, evaluations, investigations, experiments, developments, and demonstrations in the field of education (including career education)."[115]

If the intent of PRB review is to facilitate the cost-effective dissemination of information, it should be used to review public infor-

[113] The PRB process is described in a fact sheet in subcommittee files.
[114] In subcommittee files.
[115] Public Law 92-318, Sec. 301(a)(e), June 23, 1972, 86 Stat. 330, in subcommittee files.

mation brochures and other general information products. Research-related publications require reviewers who are more knowledgeable about research, statistics, and the content area involved. Excluding materials that fall under the GEPA definition of research would be consistent with the intent of OMB as well as the mandate of PRB as described by the PAVAC Chair. It is more appropriate to use a single definition of research, rather than requiring each Assistant Secretary or Under Secretary to define it for an individual program.

Under the GEPA definition, virtually all products of the educational laboratories and centers, many of the WEEA products, and a minority of products from Bilingual Education and Special Education would be exempt from PRB review.

3. ELIMINATE WEEA FROM PRB REVIEW

Since WEEA is mandated to disseminate all its products at low cost, and since it has a publishing center that uses Department approved pricing guidelines that are based on the Government Printing Office regulations, there is no need for PRB review. The last three years have clearly shown that PAVAC review resulted in the censorship of WEEA materials, and that the PAVAC Chair and PRB Chair were ignorant of the law regarding WEEA's mandate. In addition, the procedures used for the last few years have resulted in a considerable amount of confusion and neglect regarding submissions and appeals, with no office taking responsibility for the problems that have prevented WEEA products from being disseminated. Therefore, the responsibility for the dissemination of WEEA products should be returned to the Principal Office.

As stated previously, most of the WEEA products originated from educational research or evaluations. This is an additional reason why they should be excluded from PRB review.

4. WEEA PRODUCTS THAT WERE REJECTED BY PAVAC AFTER THE WEEA AMENDMENTS OF 1984 SHOULD BE WIDELY DISSEMINATED

WEEA products that were rejected by PAVAC after the 1984 WEEA amendments became law were not widely disseminated, athough dissemination was required by law. The failure to disseminate those materials was illegal, and, despite the delay, there is evidence that they would attract a wide audience.

The timeliness of these products has been substantiated by the increased sales of WEEA products this year. In the first nine months of FY 1986, sales of WEEA products reached $123,723, which surpassed the total annual sales of any previous year. This figure is especially noteworthy considering that only two new products were available within the last two years. In fact, materials that were first published in 1979 are still being requested and purchased for teachers and administrators at all educational levels.[116]

[116] In subcommittee files.

5. DECISIONS ABOUT ERIC AS AN OPTION FOR DISSEMINATION SHOULD BE MADE BY THE PROGRAM OFFICES

The testimony of the PAVAC Chair and PRB Chair indicated that they were not knowledgeable about the availability of ERIC, and were making decisions about dissemination in ERIC on the basis of inaccurate information and assumptions. Given educators' limited use of reports available through ERIC in recent years, and the PRB members' limited expertise regarding ERIC, decisions regarding use of ERIC as a means of dissemination should be made by the Program Offices. They are most knowledgeable about the intended audience of the product, they have negotiated the terms of the grant or contract that led to the product, and they are fully qualified to submit any materials to ERIC without assistance from PRB.

6. ELIMINATE PHOTOCOPIES AND PRODUCTS COSTING UNDER $2,500 FROM PRS AND PRB REVIEW

Decisions made about the less expensive methods of product dissemination, such as offset and photocopies, should be made by the Program Office. Reviews of products costing $2,500 or less should be made by the Program Office and the Principal Office, unless the Assistant Secretary or Under Secretary requests assistance from PRB or PRS. These procedures are more cost-effective, and there is no reason to believe that the PRS is better qualified to make these decisions than the Assistant Secretary or Under Secretary responsible for the Principal Office.

DISSENTING VIEWS OF HON. ROBERT S. WALKER, HON. FRANK HORTON, HON. WILLIAM F. CLINGER, JR., HON. ALFRED A. (AL) McCANDLESS, HON. LARRY E. CRAIG, HON. HOWARD C. NIELSON, HON. JIM SAXTON, HON. PATRICK L. SWINDALL, HON. THOMAS D. (TOM) DELAY, HON. RICHARD K. ARMEY, HON. JIM LIGHTFOOT, AND HON. BEAU BOULTER

This report indicates that there may have been problems with the publications review process at the Department of Education. A number of questions are also raised about the cost-effectiveness of the procedure. We believe these problems and questions have been or will be addressed and resolved. But if only because of the manner in which this issue was handled, as evidenced by the title of the report, we strenuously object to this report.

The centerpiece of this report—a claim that the Department of Education is censoring educational materials—is absurd on its face and ridiculous in its implications. On the basis of hearsay and innuendo, the authors conclude that decisions of the Department's Publications and Audiovisual Advisory Council (PAVAC) are politically and philosophically motivated. We have no evidence to substantiate that theory because there is no way that such a theory can be substantiated.

There is abolutely no prohibition against the private funding of the printing and dissemination of educational materials nor against the printing and dissemination of fewer than 50 copies of any single item. Consequently, the charge of censorship is completely unfounded and totally irresponsible.

ROBERT S. WALKER.
FRANK HORTON.
WILLIAM F. CLINGER.
AL MCCANDLESS.
LARRY E. CRAIG.
HOWARD C. NIELSON.
JIM SAXTON.
PATRICK L. SWINDALL.
TOM DELAY.
DICK ARMEY.
JIM LIGHTFOOT.
BEAU BOULTER.

SUPPLEMENTAL VIEWS OF HON. TED WEISS

This report provides substantial evidence of systematic bias against particular types of educational publications, especially those funded through the Women's Educational Equity Act and the National Institute of Education.

The Minority dissent claims that denying approval to publish the products of Federally funded research and projects is not censorship but good management, even when, as documented in the report, there will be absolutely no savings to the Federal government. When the educators who have received Federal grants or contracts to develop these materials are not allowed to use the funding that has already been set aside for publication and dissemination, the conclusion is inescapable that the Department simply does not like the findings of the research or the goals of the curricula.

TED WEISS.

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